

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: JORGE MARTINEZ,

DEBTOR

§
§
§
§

CASE NO. 08-30718-H1-13

CHAPTER 13

**APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS
AND CERTIFICATE OF SERVICE [RELATES TO DOC. NOS. 105, 107]**

1. I am making application to receive \$3,349.65, which was deposited as unclaimed funds on behalf of **WINCHESTER COUNTRY MAINTENANCE ASSOCIATION**.
2. Applicant is entitled to receive the requested funds, has made sufficient inquiry and has no knowledge that any other party may be entitled to, and is not aware of any dispute regarding the funds at issue based upon the following (check the statement(s) that apply):
 - a. Applicant is the creditor/debtor named in paragraph 1, and the owner of the funds appearing on the records of this Court, as evidenced by the attached documents.

Applicant is Managing Agent of Creditor WINCHESTER COUNTRY MAINTENANCE ASSOCIATION. Inadvertently, Creditor did not file a proof of claim in this case. Chapter 13 Trustee David G. Peake filed the Motion to Deposit Funds into the Court Registry Pursuant to 11 U.S.C. § 347(a) on December 7, 2012 (Doc. 105).

Attached is the Amended Management Certificate for WINCHESTER COUNTRY MAINTENANCE ASSOCIATION filed of record December 31, 2012 under Document No. 20120605027 of the Official Public Records of Harris County, Texas.

- ☐ b. Applicant is the attorney in fact for the creditor/debtor named in paragraph 1, with authority to receive such funds, or who is authorized by the attached original Power of Attorney to file this application on behalf of the creditor/debtor.
- ☐ c. Applicant is the assignee or successor-in-interest of the creditor/debtor named in paragraph 1, or the representative of the assignee or successor-in-interest, as evidenced by the attached documents establishing chain of ownership and/or assignment.
- ☐ d. Applicant is a duly authorized corporate officer (if a corporation) or a general partner (if a partnership) and a representative of the creditor/debtor named in paragraph 1.

- ☐ e. Applicant is the representative of the estate of the deceased creditor/debtor named in paragraph 1, as evidenced by the attached certified copies of death certificate and other appropriate probate documents substantiating applicant's right to act on behalf of the decedent's estate.
- ☐ f. None of the above apply. As evidenced by the attached documents, applicant is entitled to these unclaimed funds because:
3. I understand that pursuant to 18 U.S.C. § 152, I could be fined no more than \$5,000, or imprisoned not more than five years, or both, if I have knowingly and fraudulently made any false statements in this document or accompanying supporting documents. I further understand that any indications of fraud detected by the Court will be turned over to the U.S. Attorney for possible prosecution.
4. I declare under penalty of perjury under the laws of the United States of America that the foregoing statements and information are true and correct.

Dated: 1-31-13

**WINCHESTER COUNTRY MAINTENANCE
ASSOCIATION**

By: SCS Management Services, Inc., Managing Agent



Ola Guess, Association Manager

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 31 day of Jan., 2013 personally appeared Ola Guess, Association Manager of SCS Management Services, Inc., Managing Agent for Winchester Country Maintenance Association, a Texas non-profit corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.



Notary Public in and for the State of Texas



CERTIFICATE OF SERVICE

I certify that on or before February 12, 2013, a true and correct copy of this application for payment of unclaimed funds was served by first class United States Mail on the following:

U.S. Attorney
P.O. Box 61129
Houston, TX 77208

U.S. Trustee
515 Rusk Ave., Ste 3516
Houston, TX 77002

Respectfully submitted,

/s/ Clinton Faber Brown

Clinton Faber Brown
State Bar No. 24063732
S.D. Tex. Bar No. 1063711
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Houston, Texas 77024-3042
(713) 780-4135/(713) 780-4549 fax
cbrown@butlerhailey.com;
mshiloh@butlerhailey.com
**ATTORNEYS FOR APPLICANT
WINCHESTER COUNTRY MAINTENANCE
ASSOCIATION**